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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,032	02/10/2006	Richard Munz	SMBPT167PC04275BUS	2904
3624	7590	09/27/2007	EXAMINER	
VOLPE AND KOENIG, P.C.			NGUYEN, ANTHONY H	
UNITED PLAZA, SUITE 1600				
30 SOUTH 17TH STREET			ART UNIT	PAPER NUMBER
PHILADELPHIA, PA 19103			2854	
			MAIL DATE	DELIVERY MODE
			09/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,032

Applicant(s)

MUNZ, RICHARD

Examiner

Anthony H. Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1 and 3-7 are objected to because there is no proper antecedence basis for “the rotational drive” (claim 1 line 12, claims 3-5 line 2). Additionally, claim 7 appears to recite a process of making the guide rail and the washing device which is improper. Note that it is improper to mix statutory classes of invention.

To the extent the claims are positively recited the structure, it appears that the following prior art rejection is proper.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Munz (US 6,561,096).

With respect to claims 1 and 4, Munz teaches a cleaning device 1 having a guide rail 3 which is arranged parallel to a printing cylinder 2 for moving a washing device 5. The washing device includes a brush 6 that is driven by an integrated rotational drive in the brush (Munz, Figs. 1-4 and col.7 lines 58-63). With respect to claim 3, the integrated rotational drive of Munz

is inherently an electric drive since the washing device is provided an electrical plug-in fittings (Munz, col.7 line 19 and claim 1, line 36)

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5-7 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Munz (US 6,561,096).

With respect to claims 5 and 6, Munz teaches a cleaning device having substantially the structure as recited. Munz does not clearly teach the rotor of the rotational drive which is formed as a brush body. However, the use of a rotor of an integrated rotational drive which is formed of a body which is locked on a rotationally driven shaft for displacing is conventional. It would have been obvious to one of ordinary skill in the art to modify the cleaning device of Munz by providing a conventional rotor of an integrated rotational drive formed as a body in place of the core which support the brush in Munz for simplicity of manufacturing a brush if in fact Munz does not teach rotational drive having a rotor as a brush body. With respect to claim 7, the structure of the guide rail and washing device is the same regardless of the process of making the guide and the washing.

Art Unit: 2854

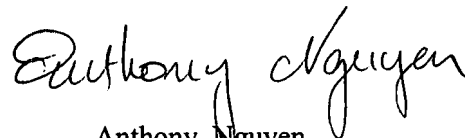
Conclusion

The patents to Jentzsch et al., Schmid, Shiba et al. and Hanke et al. are cited to show other structures having obvious similarities to the claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen, can be reached on (571) 272-2258.

The fax phone number for this Group is (571) 273-8300.



Anthony Nguyen
09/25/07
Patent Examiner
Technology Center 2800